

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

FILED
for Danville
JUN 22 2005

JOHN F. CORCORAN, CLERK
BY: [Signature] DEPUTY CLERK

PENNY L. BYERS,

) CASE NO. 4:04CV00019

Plaintiff

)

v.

) REPORT AND RECOMMENDATION

JO ANNE B. BARNHART
Commissioner of Social Security,

) By: B. Waugh Crigler
U. S. Magistrate Judge

Defendant

)

It appearing that the Commissioner has not filed any objection to plaintiff's fee request under the Equal Access to Justice Act (EAJA) as allowed by an Order entered on May 11, 2005 , it is

R E C O M M E N D E D

that an Order enter awarding counsel for plaintiff, C. Cooper Geraty, Esq., Kathleen Dawson Caldwell and Ellen Bowyer, Esq. the sum of Five Thousand One Hundred Fifty and 00/100 Dollars (\$5,150.00) in counsel fees under the EAJA, 28 U.S.C. § 2412 *et seq.*

The Clerk is directed to immediately transmit the record in this case to the presiding District Judge. Both sides are reminded that pursuant to Rule 72(b) they are entitled to note objections, if any they may have, to this Report and Recommendation within (10) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not

specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(1)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to send a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:


Judge

June 22, 2005
Date